

1 CHIEF JUDGE RICARDO S. MARTINEZ  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA, ) No. CR19-124RSM  
9 Plaintiff, )  
10 v. ) UNOPPOSED SECOND MOTION TO  
11 MICHELLE RENEE HUGHES, ) CONTINUE TRIAL  
12 Defendant. ) AND PRETRIAL MOTIONS DATES

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13 Michelle Hughes, through Assistant Federal Public Defender Corey Endo,  
14 respectfully requests a continuance of the trial date to May 4, 2020, and the pretrial  
15 motions deadline to April 2, 2020. Assistant United States Attorney Angelica Williams  
16 has no objection to this request.

17 This motion is made for the following reasons.

18 Michelle Hughes was first charged by Complaint with two counts of False  
19 Statements and two counts of Aggravated Identity Theft. Magistrate Judge Peterson  
20 released Michelle Hughes on June 17, 2019, on an appearance bond.

21 The Grand Jury then returned an Indictment charging Michelle Hughes with two  
22 counts of Mail Fraud, four counts of False Statements, and two counts of Aggravated  
23 Identity Theft. The Aggravated Identity Theft counts carry a mandatory minimum  
24 penalty of two years. Michelle Hughes was arraigned on July 11, 2019, and the Court  
25 scheduled trial for September 3, 2019, with pretrial motions due by August 1, 2019.

1 Michelle Hughes then filed an unopposed motion to continue trial, which this Court  
2 granted. Trial is currently set for January 13, 2020.

3 Defense counsel has been working to help Hughes understand the discovery, the  
4 legal framework for the charges, what a trial would entail, and the sentencing process.  
5 Some of the discovery is protected, which makes the discovery review process slower.  
6 Hughes has many concerns about the process, ideas Hughes would like to discuss, and  
7 some mental health issues, all of which make the process a particularly slow one. In  
8 addition, some of the concerns raised by Hughes necessitate research and/or  
9 investigation.

10 For these reasons, the defense requests the Court find that:

11 (a) taking into account the exercise of due diligence, a failure to grant a  
12 continuance would deny counsel for the defendant the reasonable time necessary for  
13 effective preparation, due to counsel's need for more time to review the evidence,  
14 consider possible defenses, and gather evidence material to the defense, as set forth in  
15 18 U.S.C. § 3161(h)(7)(B)(iv); and

16 (b) a failure to grant a continuance would likely result in a miscarriage of justice,  
17 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

18 (c) the additional time requested is a reasonable period of delay, as the defendant  
19 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
20 material to the defense, and to consider possible defenses; and

21 (d) the ends of justice will best be served by a continuance, and the ends of  
22 justice outweigh the best interests of the public and the defendant in any speedier trial,  
23 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

24 (e) the additional time requested between the current trial date of January 13,  
25 2020, and the new trial date is necessary to provide counsel for the defendant

1 reasonable time to prepare for trial considering counsel's schedule and all of the facts  
2 set forth above.

3 Counsel has spoken with Hughes, and Hughes agrees that a continuance is  
4 necessary. Hughes has also agreed to execute a speedy trial waiver, and counsel will  
5 file that signed waiver as soon as it is received.

6 Therefore, counsel respectfully requests a continuance of the trial date to May 4,  
7 2020, and the pretrial motions deadline to April 2, 2020. Counsel further asks the Court  
8 to exclude the time period from the date of the Court's order to the new trial date for  
9 purposes of computing the time limitations imposed by the Speedy Trial Act.

10 DATED this 5th day of December 2019.

11 Respectfully submitted,

12 s/ *Corey Endo*  
13 Assistant Federal Public Defender  
14 Attorney for Michelle Hughes

## **CERTIFICATE OF SERVICE**

I certify that on December 5, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties.

s/ *Suzie Strait*  
Paralegal